

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 HUMBERTO LOPEZ RODRIGUEZ and  
13 CARLOS CARRILLO-LOPEZ,

14 Defendants.

CASE NO. CR20-0107-JCC

ORDER

15 This matter comes before the Court on the Government's motion to continue trial (Dkt.  
16 No. 86). Having thoroughly considered the parties' briefing, the parties' positions as stated in the  
17 status hearing held on March 24, 2021, (Dkt. No. 100), and the relevant record, the Court hereby  
18 GRANTS the motion for the reasons explained herein.

19 Defendants are charged by indictment with conspiracy to distribute controlled substances,  
20 possession of controlled substances with intent to deliver, possession of firearms in furtherance  
21 of a drug trafficking crime, and related crimes. (*See* Dkt. No. 65.) Trial is currently scheduled for  
22 March 29, 2021. (Dkt. No. 83.) The Government asks the Court to continue trial because of the  
23 COVID-19 pandemic's continued impact on the Court's operations and the parties' need for  
24 additional time to adequately prepare for trial. (Dkt. No. 86 at 1–2.) Defendant Humberto Lopez  
25 Rodriguez joins the Government's motion and asks that trial be continued to November 2021.  
26

1 (Dkt. No. 87.) Defendant Carlos Carrillo-Lopez asks that trial be continued to August 2021.

2 (Dkt. No. 99.)

3 As the Government notes, the pandemic has made it difficult for the Court to obtain an  
 4 adequate spectrum of jurors to represent a fair cross section of the community, and public health  
 5 guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in  
 6 the courtroom. (*See generally* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20,  
 7 18-20, 04-21, each of which the Court incorporates by reference.) As a result, the Court has been  
 8 unable to conduct any criminal trials in the courthouse since March 2020. When the Court is able  
 9 to resume in-person trials, the Court will be limited by public health measures, such as limits on  
 10 the number of people in the courthouse and courtrooms, which will limit the Court's ability to try  
 11 cases as efficiently as it would absent a pandemic. *See* General Order 04-21 at 2.

12 In addition, the parties need more time to adequately prepare for trial as some discovery  
 13 is still outstanding. Mr. Carrillo-Lopez has filed several pretrial motions, to which the  
 14 Government has responded, but has requested an extension of time to file reply briefs based on  
 15 newly disclosed discovery. (Dkt. No. 99 at 1.) He anticipates filing a motion to compel  
 16 additional discovery and “other motions based upon the continuing disclosures related to the lead  
 17 investigating agent and an informant at the heart of the investigation in this case.” (*Id.* at 1–2.)  
 18 Mr. Lopez Rodriguez needs additional time to evaluate whether to join the already filed defense  
 19 motions or file other pretrial motions, including a request for severance.

20 Having thoroughly considered the briefing, the parties’ representations at the status  
 21 hearing, and the relevant record, the Court FINDS that the ends of justice served by a granting a  
 22 continuance outweigh the best interests of Defendants and the public to a speedy trial. *See* 18  
 23 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

24 1. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate  
 25 spectrum of jurors to represent a fair cross section of the community, which would  
 26 likely make proceeding on the current case schedule impossible or would result in a

1           miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

2       2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and  
3           Court staff to be present in the courtroom. Therefore, proceeding with the current trial  
4           date would likely be impossible or would result in a miscarriage of justice. *See* 18  
5           U.S.C. § 3161(h)(7)(B)(i).

6       3. Taking into account the exercise of due diligence, the failure to grant a continuance  
7           would deny counsel for Defendants the reasonable time necessary for effective  
8           preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a  
9           miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).

10      4. The period of delay is necessary for Defendants to adequately prepare for trial,  
11           investigate the matter, gather evidence material to the defense, and consider possible  
12           defenses.

13 Accordingly, the Court ORDERS:

14      1. The March 29, 2021 jury trial is CONTINUED to August 23, 2021 at 9:30 a.m.

15      2. The February 15, 2021 pretrial motions deadline is CONTINUED to July 12, 2021.<sup>1</sup>

16      3. The period from the date of this order until August 23, 2021 is an excludable time  
17           period under 18 U.S.C. § 3161(h)(7)(A).

18 DATED this 26th day of March 2021.



---

John C. Coughenour  
UNITED STATES DISTRICT JUDGE

26      <sup>1</sup> This order amends the Court's oral decision continuing the motions deadline to July 19, 2021.